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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/553,665	Applicant(s) GALLOU ET AL.	
	Examiner JOE CHACKO	Art Unit 2456	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 February 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>11/4/2008</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This office action is in response to the applicant's amendments filed on 2/2/2009.
Claims 1-15 are pending. Claims 1, 2, 4, and 8 have been amended.

Response to Arguments

1. Applicant's arguments with respect to claims 1 and 8 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 1, 4, 5, 7, 8, 9-11, 14 and 15** are rejected under 35 U.S.C. 103(a) as being unpatentable over Harumoto et al.(U.S. Patent Pub. No. 2002/0004840 A1) in view of Iliadis(U.S. Patent No. 5,995,486) in further view of Laubach et al. (U.S. Patent No. 5,870,134)

As to **claim 1**, Harumoto et al. discloses a data requesting device(fig. 1,102,terminal) through at least one first communication network from at least one data server (fig.1, 101, server), said data requesting device being able to support up to a maximum bandwidth rate ([0117]), and comprising:

at least one input buffer (fig.3, 505, reception buffer) having **at least one** input buffer **threshold value** ([0121] sending means (fig. 3, 507, transmission/reception

module) for sending requests of determined data to the server ([0121]) via at least one second communication network, and

receiving means (fig.3, 505, transmission/reception module) for receiving streamed data from said server into said input buffer via said first communication network and for providing said data to processing means (fig.3, 510, playback module) for them to be exploited ([0122]), wherein said data requesting device comprises retrieving means for retrieving information representative of said maximum bandwidth rate ([0139], parameter S_max) and of said input buffer **threshold value**, and in that said sending means are intended to transmit to said server via said second network said information, so that said server is able to determine at least one size of successive portions of said required data ([0139], parameter S_target) and at least one delay ([0139], parameter T_delay) between two successive sending steps of said portions. ([0153], where server controls the transmission speed based on the parameters)

Harumoto et al. does disclose a reception buffer however does not disclose a threshold value related to a round trip delay.

Iliadis does disclose a buffer with a threshold value **related to a round trip delay**(column 5, lines 8-35 ; the threshold is related to the round-trip delay)

At the time of the invention , it would have been obvious to a person of ordinary skilled in the art to modify Harumoto et al. by incorporating a separate and distinct communication network as disclosed by Iliadis . The motivation behind this is modification would be that a person of ordinary skill in the art would be that it would enable tighter flow control and buffer management. (Iliadis, column 3, lines 31-33)

Harumoto et al.-Iliadis does not disclose the sending requests of determined data to the server via at least one second communication network.

Laubach et al. does disclose sending requests of determined data to the server via at least one second communication network (column 1, lines 35-50; where various systems proposed distinct, separate paths were established for downstream versus upstream communications)

At the time of the invention , it would have been obvious to a person of ordinary skilled in the art to modify Harumoto et al.-Iliadis et al. by incorporating a separate and

Art Unit: 2456

distinct communication network as disclosed by Laubach et al. . The rationale behind this modification is that all the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention.

As to **claim 4**, Harumoto et al.- Iliadis-Laubach et al. discloses a system wherein said data requesting device an injector (Harumoto,fig.3, CPU , where the CPU performs the functions of the injector) to transfer said data from said central memory (Harumoto,fig.3, 503, ROM)to said processing means only when said data in said central memory fill up to a predetermined middle threshold level (Harumoto[0156], threshold value) of said central memory (fig.3, 503, ROM). ([155],[0156])

As to **claim 5**, Harumoto et al. – Iliadis- Laubach et al. discloses a system wherein at least one of said threshold levels (Harumoto,[0141], S_delay) of said central memory depends on a round-trip time between said data requesting device and said server. (Harumoto,[0141], where the delay time to access data from the server)

As to **claim 7**, Harumoto et al.- Iliadis-Laubach et al. discloses a decoder (Harumoto,fig.3, 509),

As to **claim 8**, this is a method corresponding to the system in claim 1. Therefore it has been analyzed and rejected based upon system in claim 1.

As to **claim 9**, Harumoto et al. – Iliadis- Laubach et al. discloses a device comprising: receiving means(fig.3, 505, transmission/reception module) for receiving requests of determined data from at least one data requesting device ([0122]), specification means for determining at least one size of successive portions ([0195]; where parts of the packet are sent out the server) of said data to be provided to said data requesting device([0195]), and streaming means([0172], streaming performed by

Art Unit: 2456

server) for triggering streaming of said data portions to said data requesting device ([0172], Server can stream data to the terminal and control its speed), said receiving means (fig.2 , 402, transmission/reception module)being intended to receive from said data requesting device information representative of capacities of said data requesting device ([0119], receives any information coming from the terminal) and said specification means being intended to determine said portion size in function of said information, wherein: said capacities are the maximum bandwidth rate([0139], parameter S_max) and input buffer size of said data requesting device ([0139]); said specification means are intended to determine at least one delay between two successive sending steps of said portions in function of said information([0134]), and said streaming means are intended to periodically trigger streaming ([0134]; where transmission speed indicating the amount of information to be transmitted within in a unit time) of said data portions having said portion size to said data requesting device, with a period equal to said delay,([0134], [0154], [0175]) said data transmitting device being preferably provided for a data requesting device according to claim 1.

As to **claim 10**, this is a method corresponding to the system in claim 2.
Therefore it has been analyzed and rejected based upon system in claim 2.

As to **claim 11**, Harumoto et al.- Iliadis-Laubach et al. discloses a device, wherein said data requesting device being able to support up to a maximum bandwidth rate ([0139], parameter S_max) and comprising at least one input buffer having an input buffer side ([0134]), said capacities consist in said maximum bandwidth rate and said input buffer side.

As to **claim 14**, this is a method corresponding to the system in claim 1.
Therefore it has been analyzed and rejected based upon system in claim 1.

As to **claim 15**, this is a program corresponding to the system in claim 1.
Therefore it has been analyzed and rejected based upon system in claim 1.

4. **Claims 2, 3, 6, 12 and 13** are rejected under 35 U.S.C. 103(a) as being unpatentable over Harumoto et al. (U.S. Patent Pub. No. 2002/0004840 A1) in further view of Iliadis(U.S. Patent No. 5,995,486) in further view of Laubach et al. (U.S. Patent No. 5,870,134) in further view of Clisham et al. (U.S. Patent Pub. No. 2004/0168052 A1)

As to **claim 2**, Harumoto et al.-Iliadis-Laubach et al. discloses the device wherein it comprises of a data pump (playback module) intended to extract data available ([0155], where playback module reads data streams from buffer) in said input buffer (fig.3, 505, reception buffer) and to transfer said data into a central memory (fig.3, 508, decoder buffer) for said data to be exploited by said processing means ([0122], where playback module is the processing means whereby it performs actions on the data) ,

Harumoto et al. does not disclose a a pause control signal when said data in said and in that said sending means are intended to transmit said pause control signal to said server.

Clisham et al. does discloses a client device producing a pause control signal (fig.4, 460, pause) and in that said sending means are intended to transmit said pause control signal to said server. ([0097])

At the time of the invention , it would have been obvious to a person of ordinary skilled in the art to modify Harumoto et al. by incorporating a pause request to the server as disclosed by Clisham et al . The rationale behind this is modification would be that a person of ordinary skill in the art would be motivated to combine the prior arts to achieve the claimed invention.

As to **claim 3**, Harumoto discloses a Data requesting device wherein said data in said central memory (fig.3, 502 , ROM) decrease down to a predetermined low threshold level ([0157], threshold value) of said central memory ([0156])

Clisham et al. discloses a device wherein said data pump ([0097], protocol component) is able to produce a resume control signal (fig.4, 450,play state) when the data transfer from said input buffer to said central memory has been paused and in that

said sending means ([0096], protocol component) are intended to transmit said resume control signal ([0096], play state) to said server. ([0095])

As to **claim 6**, Harumoto et al.-Iliadis-Laubach et al does not disclose a pause, resume or seek command for controlling the data stream.

Clisham et al. discloses the system wherein said data requesting device is able to produce pause (fig.4, 460, pause), resume (fig.4, 450, play has the same function as resume) and seek control signals (fig. 4, 470, seek) for respectively pausing and resuming data streaming and for positioning at given appropriate places of said determined data, and said sending means are intended to transmit to said server sequences of successively said pause, seek and resume control signals ([0094]-[0098]) , so as to allow at least one feature among fast motion and reverse motion.([0098]), where fast forward and rewind operations performed)

As to **claim 12**, Harumoto et al.-Iliadis-Laubach et al does not disclose a device intended to receive slow motion messages from requesting device.

Clisham et al. discloses a device wherein said receiving means ([0098], client device) are intended to receive slow motion messages([0098], where seek state allows the user to preview images) from said data requesting device, and said specification means are intended to determine at least one increased value of said period when said slow motion messages are received. ([0098])

As to **claim 13**, Harumoto et al.-Iliadis-Laubach et al does not disclose a device intended at least one kind of messages among fast motion and reverse motion messages,

Clisham et al. does discloses a device, wherein said receiving means ([0098], client device) are intended to receive at least one kind of messages among fast motion and reverse motion messages ([0098]), where fast forward and rewind operations performed), and said data transmitting device comprises parsing means able to identify successive relevant places in said determined data for at least one of said fast and

Art Unit: 2456

reverse motions, said specification means being provided for successively positioning at said places, when one of said fast motion and reverse motion messages is received.

([0098])

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOE CHACKO whose telephone number is (571)270-3318. The examiner can normally be reached on Monday-Friday 7:30am-5pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on 571-272-3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic

Application/Control Number: 10/553,665

Page 9

Art Unit: 2456

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/J. C./

Examiner, Art Unit 2456

/Bunjob Jaroenchonwanit/

Supervisory Patent Examiner, Art Unit 2456